

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : Criminal No. 1:10-CR-00048  
:   
v. : (Judge Rambo)  
:   
JOANNE M. SEELEY : (Electronically Filed)

**BRIEF IN SUPPORT OF MOTION TO CONTINUE  
INITIAL APPEARANCE AND ARRAIGNMENT**

AND NOW, comes the defendant, Joanne M. Seeley, by her attorney Lori J. Ulrich of the Federal Public Defender's Office, and files this Brief in Support of Motion to Continue Initial Appearance and Arraignment.

**Procedural and Factual History; Argument**

Joanne Seeley, the defendant, signed a plea agreement with the Government on November 9, 2009, in which she agreed to plead guilty to one count of wire fraud. By Information filed February 23, 2010, Joanne M. Seeley was charged with wire fraud, in violation of 18 U.S.C. § 1343. Ms. Seeley is scheduled to appear before this Honorable Court on March 31, 2010, for an Initial Appearance and Arraignment. Ms. Seeley was represented by another attorney until March 17, 2010, when the Federal Public Defender's Office was appointed to represent Ms. Seeley.

Undersigned counsel had her first contact with Ms. Seeley on March 23, 2010. Counsel called Ms. Seeley, who currently lives in Texas, to discuss the plea hearing with her. During this conversation, Ms. Seeley complained that she did not understand the plea, that she had to sign it and return it to the FBI Agent, David Clark, because she could not reach her attorney, and that she believed that she had some possible defenses to the charge that were never investigated by her former attorney.

Defense counsel has asked for discovery. Assistant United States Attorney Kim D. Daniel, Esquire, advised counsel to contact Ms. Seeley's prior attorney to obtain the discovery. Undersigned counsel and former counsel have left several messages for each other. In one of the messages left by former counsel, he said that he did not think that he had any discovery. FBI Agent David Clark has offered to meet with defense counsel next week to go over some of the discovery.

Moreover, Ms. Seeley lives in Texas and cannot afford to travel unnecessarily to the Middle District of Pennsylvania. Ms. Seeley would not be prepared to go forward with a plea on March 31, 2010, and therefore, if the hearing was not continued, she would be coming in just to tell the Court that she is not entering a plea of guilty to the Information.

In light of the above developments, defense counsel respectfully requests that this Honorable Court continue the plea hearing to give new counsel time to review discovery, which is apparently voluminous, and to consult with Ms. Seeley to assure that any plea is knowing and voluntary.

WHEREFORE, for the foregoing reasons, Joanne M. Seeley respectfully requests that this Honorable Court grant her Motion to Continue Initial Appearance and Arraignment.

Respectfully submitted,

Date: March 25, 2010

/s/ Lori J. Ulrich  
LORI J. ULRICH, ESQUIRE  
Asst. Federal Public Defender  
Attorney ID #55626  
100 Chestnut Street, Suite 306  
Harrisburg, PA 17101  
Tel. No. (717) 782-2237  
Fax No. (717) 782-3881  
*<lori\_ulrich@fd.org>*  
*Attorney for Joanne M. Seeley*

**CERTIFICATE OF SERVICE**

I, Lori J. Ulrich of the Federal Public Defender's Office, do hereby certify that I served a copy of the foregoing Brief in Support of Motion to Continue Initial Appearance and Arraignment, via Electronic Case Filing, or by placing a copy in the United States mail, first class in Harrisburg, Pennsylvania, addressed to the following:

KIM D. DANIEL, ESQUIRE  
United States Attorney's Office

JOANNE M. SEELEY

Date: March 25, 2010

/s/ Lori J. Ulrich

LORI J. ULRICH, ESQUIRE  
Asst. Federal Public Defender  
Attorney ID #55626  
100 Chestnut Street, Suite 306  
Harrisburg, PA 17101  
Tel. No. (717) 782-2237  
Fax No. (717) 782-3881  
*<lori\_ulrich@fd.org>*  
*Attorney for Joanne M. Seeley*